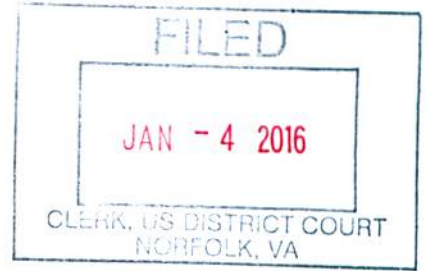


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



CMA CGM S.A.,

Plaintiff,

v.

ACTION NO. 2:14cv504

AZAP MOTORS, INC.,

Defendant.

ORDER

This matter comes before the court on the Plaintiff's Motion for Summary Judgment, ECF No. 23, and the Defendant's Cross-Motion for Summary Judgment, ECF No. 26. The matter was referred to United States Magistrate Judge Douglas E. Miller by the Order of October 28, 2015, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions. ECF No. 31.

The Magistrate Judge's Report and Recommendation ("R&R") was filed on November 25, 2015. ECF No. 36. The Magistrate Judge recommends granting in part the Plaintiff's Motion for Summary Judgment, denying the Defendant's Cross-Motion for Summary Judgment, awarding the Plaintiff damages in the amount of \$168,726.00, and directing the parties to proceed to trial, if

necessary, on damages related to the two shipments remaining in dispute. R&R at 30.

By copy of the R&R, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. The court has received no objections to the R&R, and the time for filing the same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the R&R filed November 25, 2015. Accordingly, the Plaintiff's Motion for Summary Judgment is **GRANTED IN PART**, the Defendant's Cross-Motion for Summary Judgment is **DENIED**, and the court **AWARDS** the Plaintiff damages in the amount of \$168,726.00. Further, the court **DIRECTS** the parties to proceed to trial, if necessary, on damages related to the two shipments remaining in dispute.

The Clerk is **DIRECTED** to forward a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

/s/  
Rebecca Beach Smith  
Chief Judge



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REBECCA BEACH SMITH  
CHIEF JUDGE

January 4, 2016